

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MICHAEL S. WILSON, R-06115,

Plaintiff,

vs.

**MICHELLE CREWS
and DONALD GAETZ,**

Defendants.

Case No. 14-cv-337-JPG

MEMORANDUM AND ORDER

GILBERT, Chief District Judge:

This case was opened on March 14, 2014, when Plaintiff filed a civil rights complaint (Doc. 1) pursuant to 42 U.S.C. § 1983. However, Plaintiff notified the Court on March 26, 2014 (Doc. 4), that he intended to file the pleading as an *amended* complaint in *Wilson v. Gaetz, et al.*, No. 14-cv-71 (S.D. Ill. filed January 21, 2014) (“prior action”), another action that is pending before this Court. Upon review of the complaint (Doc. 1 in this action) and Plaintiff’s prior action, it is clear that the instant pleading should have been filed as an *amended* complaint in the prior action. This Court dismissed the original complaint that was filed in the prior action on February 18, 2014. However, the dismissal was without prejudice, and Plaintiff was granted leave to file an amended complaint stating any facts that support an access to courts claim by March 25, 2014 (Doc. 6). Plaintiff filed the complaint prior to that deadline. In substance, it is clearly related to the original complaint filed in the prior action; therefore, the instant case is duplicative of the prior action.

Accordingly, the **CLERK** is **DIRECTED** to **CLOSE** this case. No filing fee is to be assessed for this action (Case No. 14-cv-337-JPG), and all pending motions herein are **DENIED**

AS MOOT. Further, the **CLERK** is **DIRECTED** to file the complaint (Doc. 1) as the First Amended Complaint in *Wilson v. Gaetz, et al.*, No. 14-cv-71 (S.D. Ill. filed January 21, 2014).

IT IS SO ORDERED.

DATED: March 26, 2014

s/ J. Phil Gilbert
U.S. District Judge